

# **EXHIBIT A**

**CALCAGNO & ASSOCIATES**

Attorneys at Law, LLC  
Spencer Savings Bank Building  
213 South Avenue East  
Cranford, New Jersey 07016  
(908) 272-7300  
ATTORNEYS FOR PLAINTIFF(S)

FILED & RECEIVED #1

2016 MAY 20 P 1:59

CIVIL OFFICE  
MIDDLESEX VICINAGE

*GUARANTEED SUBPOENA  
SERVED 14<sup>TH</sup>*

**JENNIFER VALADKA,**

Plaintiff,

v.

SUPERIOR COURT OF NEW JERSEY  
MIDDLESEX COUNTY  
LAW DIVISION

DOCKET NO. **MID-L- 030 85 -16**

Civil Action

**SHOP RITE OF CARTERET; JLJ  
ASSOCIATES, INC.; ABC CORP. I-X**  
(said names being fictitious, true names  
unknown); **XYZ MANAGEMENT CORP.  
I-X** (said names being fictitious, true names  
unknown); **DEF PROPERTY OWNER I-  
X**; and **JOHN DOE EMPLOYEES 1-10**  
(said names being fictitious, true names  
presently unknown),

**COMPLAINT, JURY DEMAND,  
DEMAND FOR ANSWERS TO  
INTERROGATORIES, NOTICE TO  
PRODUCE AND DESIGNATION OF  
TRIAL COUNSEL**

Defendants.

The plaintiff, **JENNIFER VALADKA**, residing at 457 Pental Street, Borough of Staten Island, County of Richmond and State of New York, complaining of the Defendants says:

**FIRST COUNT**

1. Upon information and belief and at all times hereinafter mentioned, the Defendants, **SHOP RITE OF CARTERET; JLJ ASSOCIATES, INC.; ABC CORP. I-X**, (said names being fictitious, true names unknown) and/or **XYZ MANAGEMENT CORP. I-X**

(said names being fictitious, true names unknown) and/or **DEF PROPERTY OWNER I-X** (said names being fictitious, true names unknown) and/or **JOHN DOE EMPLOYEES I-X** (said names being fictitious, true names unknown), and/or some or all of these defendants' agents, servants, independent contractors and/or employees, engaged in the business of owning, operating, supervising, managing and/or maintaining the Shop Rite store located at 801 Roosevelt Avenue, in the Borough of Carteret, County of Middlesex and State of New Jersey (hereinafter referred to as the subject "Premises").

2. On or about May 22, 2014, the Plaintiff, **JENNIFER VALADKA** was a business invitee lawfully at the subject Premises, which was owned, maintained, operated, supervised, managed, and/or was otherwise controlled by some and/or all of the above-named Defendants.

3. At the time and place aforesaid, some and/or all of the Defendants owed a duty to the members of the general public and/or guests and/or business invitees, and particularly to the Plaintiff, **JENNIFER VALADKA**, to inspect, monitor, supervise, maintain and/or repair the subject Premises in a reasonably safe condition and free from dangerous, hazardous and nuisance-like conditions, and to make reasonable inspection and maintenance of the Premises so that members of the general public, including the Plaintiff, could walk throughout the subject Premises in reasonable safety.

4. At the time and place aforesaid, the Defendants did breach the aforesaid duty of care and were negligent and careless in allowing and/or permitting a dangerous, hazardous and nuisance-like condition to exist for an unreasonable period of time within the Premises, namely, a sticky substance to remain on the floor in the pet food aisle, where the general public and/or guests and/or business invitees are walking up and down the aisles shopping, when the Defendants had actual and/or constructive notice of said dangerous condition.

5. At the time and place aforesaid, the aforesaid Defendants, or any of them did breach the aforesaid duty of care and were careless, negligent and/or palpably unreasonable in

allowing and/or permitting and/or creating a dangerous, hazardous and/or nuisance-like condition to exist; as stated above and failed to warn the general public and/or guests and/or business invitees, including the Plaintiff, **JENNIFER VALADKA**, of such dangerous condition(s) and/or failed to post warnings and/or cones and/or tape warning the general public and/or guests and/or business invitees, including the Plaintiff, **JENNIFER VALADKA**, of such dangerous conditions.

6. As a result of the negligence and carelessness of the Defendants as previously stated above, the Plaintiff, **JENNIFER VALADKA**, was caused to suffer and sustain severe and serious injuries to her head, neck, back, body, limbs and nervous system, requiring surgery, which further caused her to suffer severe and excruciating pain, as well as extreme mental anguish. Upon information and belief, said injuries, or some of them, and the disabling effects resulting therefrom, are permanent in nature. As a further result of said injuries, the Plaintiff, **JENNIFER VALADKA**, was required to expend divers sums of money for medical care and attention, which was administered to her in an attempt to cure and/or alleviate said injuries and the disabling effects resulting therefrom, and the Plaintiff, **JENNIFER VALADKA**, in the future, will be required to submit to further medical attention. As a further result of said injuries, the Plaintiff, **JENNIFER VALADKA**, has been unable to perform her usual daily tasks and has been prevented from participating in those activities enjoyed by individuals like-situated in life, all of which have prevented her from enjoying the normal fruits of her existence, and she was otherwise damaged.

**WHEREFORE**, the Plaintiff, **JENNIFER VALADKA**, demands a money judgment against the Defendants, **SHOP RITE OF CARTERET; JLJ ASSOCIATES, INC.; ABC CORP. I-X** (said names being fictitious, true names unknown) and/or **XYZ MANAGEMENT**

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CORP. I-X (said names being fictitious, true names unknown) and/or DEF PROPERTY OWNER I-X (said names being fictitious, true names unknown) and/or JOHN DOE EMPLOYEES I-X (said names being fictitious, true names unknown), for, among other things, compensatory damages, together with costs, disbursements of suit and interest.

**SECOND COUNT**

1. Plaintiff repeats and realleges each of the allegations of the First Count as if set forth herein at length and makes same a part hereof.

2. Upon information and belief and at all times hereinafter mentioned, the Defendants, ABC CORP. I-X and/or XYZ MANAGEMENT CORP. I-X and/or DEF PROPERTY OWNER I-X and/or JOHN DOE EMPLOYEES I-X (said names being fictitious, true names unknown), and/or some or all of these defendants' agents, servants, independent contractors and/or employees, engaged in the business of owning, operating, supervising, managing and/or maintaining the Premises.

3. At the time and place aforesaid, Defendants, ABC CORP. I-X and/or XYZ MANAGEMENT CORP. I-X and/or DEF PROPERTY OWNER I-X and/or JOHN DOE EMPLOYEES I-X owed a duty to the members of the general public and/or guests and/or business invitees, and particularly to the Plaintiff, JENNIFER VALADKA, to inspect, monitor, supervise, maintain and/or repair the subject Premises in a reasonably safe condition and free from dangerous, hazardous and nuisance-like conditions, and to make reasonable inspection and maintenance of the Premises so that members of the general public, including the Plaintiff, could walk throughout the subject Premises in reasonable safety.

4. At the time and place aforesaid, the Defendants did breach the aforesaid duty of care and were negligent and careless in allowing and/or permitting a dangerous, hazardous and

nuisance-like condition to exist for an unreasonable period of time within the Premises, namely, a sticky substance to remain on the floor in the pet food aisle, where the general public and/or guests and/or business invitees are walking up and down the aisles shopping, when the Defendants had actual and/or constructive notice of said dangerous condition.

5. At the time and place aforesaid, the aforesaid Defendants, or any of them did breach the aforesaid duty of care and were careless, negligent and/or palpably unreasonable in allowing and/or permitting and/or creating a dangerous, hazardous and/or nuisance-like condition to exist; as stated above and failed to warn the general public and/or guests and/or business invitees, including the Plaintiff, **JENNIFER VALADKA**, of such dangerous condition(s) and/or failed to post warnings and/or cones and/or tape warning the general public and/or guests and/or business invitees, including the Plaintiff, **JENNIFER VALADKA**, of such dangerous conditions.

6. As a result of the negligence and carelessness of the Defendants as previously stated, the Plaintiff, **JENNIFER VALADKA**, was caused to suffer and sustain severe and serious injuries to her head, neck, back, body, limbs and nervous system, including surgery, which further caused her to suffer severe and excruciating pain, as well as extreme mental anguish. Upon information and belief, said injuries, or some of them, and the disabling effects resulting therefrom, are permanent in nature. As a further result of said injuries, the Plaintiff, **JENNIFER VALADKA**, was required to expend divers sums of money for medical care and attention, which was administered to her in an attempt to cure and/or alleviate said injuries and the disabling effects resulting therefrom, and the Plaintiff, **JENNIFER VALADKA**, in the future, will be required to submit to further medical attention. As a further result of said injuries, the Plaintiff, **JENNIFER VALADKA**, has been unable to perform her usual daily



tasks and has been prevented from participating in those activities enjoyed by individuals like-situated in life, all of which has prevented her from enjoying the normal fruits of her existence and she was otherwise damaged.

**WHEREFORE**, the Plaintiff, **JENNIFER VALADKA** demands a money judgment against the Defendants, **ABC CORP. I-X** and/or **XYZ MANAGEMENT CORP. I-X** and/or **DEF PROPERTY OWNER I-X** and/or **JOHN DOE EMPLOYEES I-X** (said names being fictitious, true names unknown), for, among other things, compensatory damages, together with costs, disbursements of suit and interest.

**JURY DEMAND**

PLEASE TAKE NOTICE that the Plaintiffs, pursuant to R. 4:35-1, demand a trial by jury as to all issues.

**DESIGNATION OF TRIAL COUNSEL**

PLEASE TAKE NOTICE that Andrew John Calcagno, Esq. is hereby designated as trial counsel for the Plaintiffs in the above-caption litigation for the firm of Calcagno & Associates Attorneys at Law, LLC pursuant to R. 4:25-4.

**DEMAND FOR PRODUCTION OF INTERROGATORIES**

PLEASE TAKE NOTICE that, pursuant to R. 4:17, Plaintiffs hereby demand that each Defendant provide to this office responses to Form C and C(2) Interrogatories.

**NOTICE TO PRODUCE**

Pursuant to R. 4:18-1, the Plaintiffs hereby demand that each Defendant produce the following documentation within thirty (30) days as prescribed by the Rules of Court. Additionally, please be advised that the following requests are ongoing and continuing in nature

and the Defendants are therefore required to continuously update its responses thereto as new information or documentation comes into existence.

1. The amounts of any and all insurance coverage covering the Defendant, including but not limited to, primary insurance policies, secondary insurance policies and/or umbrella insurance policies. As to each policy available, please provide the following information (a) number; (b) name and address of insurer or issuer; (c) inception and expiration dates; (d) names and addresses of all persons insured thereunder; (e) personal injury limits; (f) property damage limits; and (g) medical payment limits.. For each such policy of insurance, supply a copy of the declaration page therefrom.

2. Copies of any and all documentation or reports, including but not limited to, police reports, accident reports and/or incident reports concerning the happening of the incident in question or any subsequent investigation of same.

3. Copies or duplicates of any and all photographs, motion pictures, videotapes, films, drawings, diagrams, sketches or other reproductions, descriptions or accounts concerning the individuals involved in the incident in question, the property damage sustained, the accident scene, or anything else relevant to the incident in question.

4. Copies of any and signed or unsigned statements, documents, communications, and/or transmissions, whether in writing, made orally or otherwise recorded by any mechanical or electronic means, made by any party to this action, any witness, or any other individual, businesses, corporation, investigative authority or other entity concerning anything relevant to the incident in question.



5. Copies of any and all documentation, including but not limited to, safety manuals, statutes, rules, regulations, books, and/or industry standards which refer to, reflect or otherwise relate to the incident in question or any potential defense to the action in question.

6. Copies of any and all contracts between any of the parties involved in the incident in question.

7. Copies of any and all documentation concerning any lease agreements between the lessor(s) and the lessee(s) concerning the incident in question.

8. Copies of any and all documentation, including but not limited to, safety manuals, statutes, rules, regulations, books, and/or industry standards which refer to, reflect or otherwise relate to the incident in question or any potential defense to the action in question.

9. Copies of any and all permits log books, cleaning logs and/or inspection logs of the aisles within the store and in particular, the PET FOOD AISLE, on the day of the subject incident, May 22, 2014.

10. The Video Surveillance Tapes, CDs and/or DVDs of the aisles within the store and in particular, the PET FOOD AISLE, on the day of the subject incident, May 22, 2014.

11. Copies of any and all discovery received from any other parties to the action in question.

12. Copies of any and all reports on the plaintiff received by the defendants, or any other party to this suit, from either Central Index Bureau (C.I.B.) or from any other source.

13. Copies of any and all reports and/or other investigations performed by Defendants' employees and from any other investigative authority.

14. Copies of any and all medical information and/or documentation concerning the plaintiff in this matter whether it concerns any medical condition or treatment which took place before, during and/or after the time of the incident in question.

15. Copies of any and all records of any type subpoenaed by the defendant or received from any other source concerning the plaintiff or the incident in question.

16. A list of employees present at the Premises on May 22, 2014, including their names, addresses, telephone numbers and job titles.

17. If the Defendants contend that the Plaintiff's injuries were caused by another incident or some other physical condition, disease or injury, set forth the nature of and attach a copy of all written documents relating thereto which are in the possession, custody and/or control of the Defendants.

18. If the Defendants intend to produce at trial the testimony of any expert witnesses, including the treating physicians and/or any persons who have conducted an examination pursuant to R. 4:19, set forth the names and addresses of the witnesses, their areas of expertise, the subject matter on which they are expected to testify and a summary of the grounds of each opinion. Attach a true copy of all written reports provided to the Defendants by such witnesses and a summary or any oral reports.

16. Provide the Defendants' website address(es).

#### DEPOSITION NOTICE

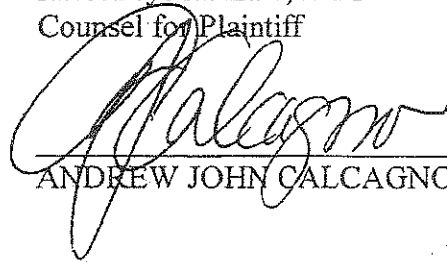
**PLEASE TAKE NOTICE** that in accordance with the Rules governing the Court of the State of New Jersey, testimony will be taken OF ALL NAMED PARTIES by videotaped deposition upon oral examination before a person authorized by the laws of the State of New Jersey to administer oaths on **Wednesday, July 27, 2016, at 10:00 o'clock AM**, at the offices

of Calcagno & Associates, Attorneys at Law, LLC, Spencer Savings Bank Building, 213 South Avenue East, Cranford, New Jersey 07016, with respect to all matters relevant to the subject matter involved in this action.

**CERTIFICATION**


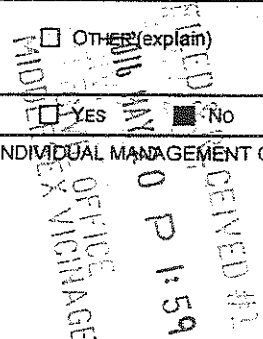

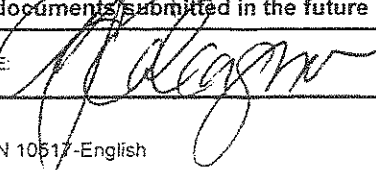
I hereby certify that this matter is the not the subject mater of any other suit presently pending in any other Court or in any American Arbitration proceedings.

**CALCAGNO & ASSOCIATES**  
**Attorneys At Law, LLC**  
Counsel for Plaintiff

  
\_\_\_\_\_  
ANDREW JOHN CALCAGNO, ESQ.

Dated: May 19, 2016

## Appendix XII-B1

	<b>CIVIL CASE INFORMATION STATEMENT (CIS)</b>		Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 <b>Pleading will be rejected for filing, under Rule 1:5-6(c),          if information above the black bar is not completed          or attorney's signature is not affixed</b>		<b>FOR USE BY CLERK'S OFFICE ONLY</b>	
			PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA		CHG/CK NO.	
			AMOUNT:		OVERPAYMENT:	
			BATCH NUMBER:			
ATTORNEY / PRO SE NAME ANDREW JOHN CALCAGNO		TELEPHONE NUMBER (908) 272-7300		COUNTY OF VENUE Middlesex		
FIRM NAME (if applicable) CALCAGNO & ASSOCIATES ATTORNEYS AT LAW, LLC		DOCKET NUMBER (when available) <b>MID-L- 030 85-16</b>				
OFFICE ADDRESS 213 SOUTH AVENUE EAST CRANFORD, NJ 07016		DOCUMENT TYPE COMPLAINT				
		JURY DEMAND <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO				
NAME OF PARTY (e.g., John Doe, Plaintiff) JENNIFER VALADKA, PLAINTIFF		CAPTION JENNIFER VALADKA, PLAINTIFF v. SHOP RITE OF CARTERET, ET ALS., DEFENDANTS				
CASE TYPE NUMBER (See reverse side for listing) 605	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.				
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, LIST DOCKET NUMBERS				
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known): <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN				
<b>THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.</b>						
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION						
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS				
		DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION						
<div style="text-align: right;">  </div>						
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION				
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, FOR WHAT LANGUAGE?				
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).						
ATTORNEY SIGNATURE: 						

MIDDLESEX VICINAGE CIVIL DIVISION  
P O BOX 2633  
56 PATERSON STREET  
NEW BRUNSWICK NJ 08903-2633

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (732) 519-3728  
COURT HOURS 8:30 AM - 4:30 PM

DATE: MAY 25, 2016  
RE: VALADKA JENNIFER VS SHOP RITE OF CARTERET  
DOCKET: MID L -003085 16

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS  
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON ANDREA CARTER

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 003  
AT: (732) 519-3745 EXT 3745.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A  
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.  
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE  
WITH R.4:5A-2.

ATTENTION:

ATT: ANDREW J. CALCAGNO  
CALCAGNO & ASSOCIATES  
CALCAGNO & ASSOCIATES  
213 SOUTH AVENUE EAST  
CRANFORD NJ 07016-2972

JUCTK